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SEP 12 2011

**Board of Vocational Nursing
and Psychiatric Technicians**

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**BEFORE THE
BOARD OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. VN-2008-1427

**KRISTI LYNNETTE JORGENSEN
a.k.a., KRISTI LYNNETTE NELSON
a.k.a., KRISTI NELSON**
777 Collins Road
Bishop, CA 93514

A C C U S A T I O N

Vocational Nurse License No. VN 211411

Respondent.

Complainant alleges:

PARTIES

1. Teresa Bello-Jones, J.D., M.S.N., R.N. ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Vocational Nursing and Psychiatric Technicians, Department of Consumer Affairs.

2. On or about October 5, 2004, the Board of Vocational Nursing and Psychiatric Technicians (Board) issued Vocational Nurse License No. VN 211411 to Kristi Lynnette Jorgensen, also known as Kristi Lynnette Nelson, and Kristi Nelson (Respondent). The Vocational Nurse License was in full force and effect at all times relevant to the charges brought herein, expired on January 31, 2010, and has not been renewed.

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6. Section 2878 states, in pertinent part:

"The Board may suspend or revoke a license issued under this chapter [the Vocational Nursing Practice Act (Code section 2840, et seq.)] for any of the following:

"(a) Unprofessional conduct, which includes, but is not limited to, the following:

• • • •

"(f) Conviction of a crime substantially related to the qualifications, functions, and duties of a licensed vocational nurse, in which event the record of the conviction shall be conclusive evidence of the conviction.

• • • •

"(j) The commission of any act involving dishonesty, when that action is related to the duties and functions of the licensee."

7. Section 2878.5 states, in pertinent part:

"In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Vocational Nursing Practice Act] it is unprofessional conduct for a person licensed under this chapter to do any of the following:

• • • •

"(b) Use any controlled substance as defined in Division 10 of the Health and Safety Code, or any dangerous drug as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public, or to the extent that the use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license."

REGULATORY PROVISIONS

8. California Code of Regulations, title 16, section 2518.6 states, in pertinent part:

• • • •

“(b) A licensed vocational nurse shall adhere to standards of the profession and shall incorporate ethical and behavioral standards of professional practice which include but are not limited to the following:

• • • •

1 (4) Abstaining from chemical/substance abuse.

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3 “(c) A violation of this section constitutes unprofessional conduct for purposes of
4 initiating disciplinary action.”

5 9. California Code of Regulations, title 16, section 2521 states, in pertinent part:

6 "For the purposes of denial, suspension, or revocation of a license pursuant to Division 1.5
7 (commencing with Section 475) of the Code, a crime or act shall be considered to be substantially
8 related to the qualifications, functions or duties of a licensed vocational nurse if to a substantial
9 degree it evidences present or potential unfitness of a licensed vocational nurse to perform the
10 functions authorized by his license in a manner consistent with the public health, safety, or
11 welfare.”

12 **COST RECOVERY**

13 10. Section 125.3 provides, in pertinent part, that the Board may request the
14 administrative law judge to direct a licensee found to have committed a violation or violations of
15 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
16 enforcement of the case.

17 **FIRST CAUSE FOR DISCIPLINE**

18 ***(Convictions of Substantially Related Crimes)***

19 11. Respondent is subject to disciplinary action under sections 2878, subdivision (f) and
20 490, in conjunction with California Code of Regulations, title 16, section 2521, in that
21 Respondent has been convicted of crimes substantially related to the qualifications, functions, and
22 duties of a licensed vocational nurse, as follows:

23 a. On or about June 15, 2009, after pleading guilty, Respondent was convicted of one
24 misdemeanor count of violating Vehicle Code section 20002, subdivision (a) [hit and run] in the
25 criminal proceeding entitled *The People of the State of California v. Kristi Lynnette Jorgensen*
26 (Super. Ct. Inyo County, 2009, No. MBCRTR-09-48136). The Court sentenced Respondent to
27 serve 30 days in Inyo County Jail and placed her on 36 months probation, with terms and
28 conditions. The circumstances surrounding the conviction are that on or about March 19, 2009,

1 Respondent was the driver of a vehicle involved in an accident, resulting in damages to property,
2 and unlawfully failed to stop at the scene of the accident.

3 b. On or about September 9, 2008, after pleading guilty, Respondent was convicted of
4 one felony count of violating Vehicle Code section 20001, subdivision (a) [hit and run with
5 injury], one misdemeanor count of Vehicle Code section 31 [giving false information to a peace
6 officer], and one misdemeanor count of Penal Code section 148, subdivision (a)(1) [obstructing a
7 peace officer from performing his duties] in the criminal proceeding entitled *The People of the*
8 *State of California v. Kristi Lynnette Jorgensen* (Super. Ct. Inyo County, 2008, No. SICRF-07-
9 44919). The Court sentenced Respondent to serve 60 days in Inyo County Jail and placed her on
10 36 months formal probation, with terms and conditions. The circumstances surrounding the
11 conviction are that on or about October 28, 2007, Respondent drove northbound on Bir Road, in
12 Bishop, CA with S.D., a minor, in the front right passenger seat of the vehicle. Respondent lost
13 control of the vehicle, causing it to overturn several times. After the collision, Respondent fled
14 the scene of the accident on foot with S.D. and failed to seek medical care for S.D., who was
15 injured in the collision. On or about October 29, 2007, Respondent allowed her son Anthony to
16 take the blame for the collision, filed a false police report at the California Highway Patrol, in
17 Bishop, CA, indicating that he was the driver of the vehicle and she was the right front passenger.
18 On or about October 30, 2007, Respondent, by her own admission, admitted that she lied to the
19 police officer and indicated that she was the driver of the vehicle when the collision occurred.
20 Her son offered to take the blame for her and she allowed him to do so. When asked if she had
21 consumed any alcoholic beverages, Respondent indicated that she had not. She did however,
22 admit that she took a new prescription medication (anti-depressant) on the night of the collision,
23 prior to driving.

24 **SECOND CAUSE FOR DISCIPLINE**

25 ***(Use/Under the Influence of a Controlled Substance)***

26 12. Respondent is subject to disciplinary action under section 2878, subdivision (a), as
27 defined in section 2878.5, subdivision (b), in that on or about October 30, 2007, Respondent, by
28 her own admission, used and/or was under the influence of a controlled substance on

1 October 28, 2007. Complainant refers to, and by this reference incorporates, the allegations set
2 forth above in paragraph 11, subparagraph (b), as though set forth fully.

3 **THIRD CAUSE FOR DISCIPLINE**

4 ***(Dangerous Use of Alcohol)***

5 13. Respondent is subject to disciplinary action under section 2878, subdivision (a), as
6 defined in section 2878.5, subdivision (b), in that Respondent used alcoholic beverages to an
7 extent or in a manner dangerous or injurious to herself, another person, or the public. On or about
8 February 6, 2008, Respondent arrived at the California Highway Patrol Office, in Bishop, CA
9 with her daughter to request a copy of a collision report. While speaking to Respondent, the
10 officer detected an odor of an alcoholic beverage emitting from her breath. When asked if she
11 had been drinking, Respondent admitted that she had consumed one drink, prior to arriving at the
12 station. Respondent submitted to a Preliminary Alcohol Screening (PAS) Test that resulted in a
13 breath-alcohol content of 0.133%. She was admonished and warned about driving under the
14 influence of alcohol, indicated that she understood, and was observed in the drivers seat of the
15 vehicle, as she drove away from the police station.

16 **FOURTH CAUSE FOR DISCIPLINE**

17 ***(Dishonest Acts)***

18 14. Respondent is subject to disciplinary action under section 2878, subdivisions (a) and
19 (j), in that on or about March 19, 2009 and October 28, 2007 through October 30, 2007,
20 Respondent committed dishonest acts. Complainant refers to, and by this reference incorporates,
21 the allegations set forth above in paragraph 11, subparagraphs (a) and (b), inclusive, as though set
22 forth fully.

23 **DISCIPLINARY CONSIDERATIONS**

24 15. To determine the degree of discipline, if any, to be imposed on Respondent,
25 Complainant alleges the following:

26 a. On or about September 8, 1998, after pleading nolo contendere, Respondent was
27 convicted of one misdemeanor count of violating Penal Code section 240 [assault] and one
28 misdemeanor count of Vehicle Code section 23152, subdivision (b) [driving while having 0.08%

1 and more, by weight, of alcohol in her blood] in the criminal proceeding entitled *The People of*
2 *the State of California v. Kristi Lynnette Jorgensen* (Super. Ct. Inyo County, 1998, No.
3 98BF0880). The Court sentenced Respondent to serve 45 days in Inyo County Jail and placed her
4 on 36 months probation, with terms and conditions. The circumstances surrounding the
5 conviction are that on or about August 6, 1998, Respondent committed an assault on another. In
6 addition, Respondent drove a vehicle while having 0.08% and more, by weight, of alcohol in her
7 blood.

8 b. On or about January 9, 1998, after pleading nolo contendere, Respondent was
9 convicted of one felony count of violating Penal Code section 496 [receiving known stolen
10 property] in the criminal proceeding entitled *The People of the State of California v. Kristi*
11 *Lynnette Jorgensen* (Super. Ct. Inyo County, 1998, No. CR22871). The Court sentenced
12 Respondent to serve 90 days in Inyo County Jail and placed her on 60 months probation, with
13 terms and conditions. The circumstances surrounding the conviction are that on or about
14 November 5, 1997, Respondent received known stolen property.

15 c. On or about September 16, 2004, the Board issued Respondent a notice of warning.

16 **PRAYER**

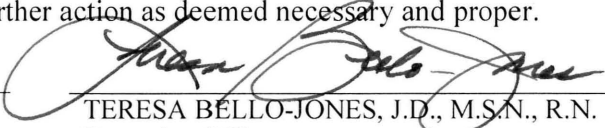
17 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
18 and that following the hearing, the Board issue a decision:

19 1. Revoking or suspending Vocational Nurse License No. VN 211411, issued to
20 Respondent;

21 2. Ordering Respondent to pay the Board the reasonable costs of the investigation and
22 enforcement of this case, pursuant to section 125.3; and

23 3. Taking such other and further action as deemed necessary and proper.

24 DATED: September 12, 2011


TERESA BELLO-JONES, J.D., M.S.N., R.N.
Executive Officer
Board of Vocational Nursing and Psychiatric Technicians
Department of Consumer Affairs
State of California
Complainant

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